



# आरत का राजपत्र

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PART II—Section 2

प्रांधकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या वी आती है जिससे कि यह व्यापक संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

### RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 13th December, 1968:—

BILL NO. XLI OF 1968

*A Bill further to amend the Insurance Act, 1938.*

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Insurance (Amendment) Act, 1968. Short title and commencement.
2. It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
3. In sub-section (2) of section 40 of the Insurance Act, 1938, for the words "forty per cent.", "five per cent." and "fifteen per cent.", the words "ten per cent.", "two and a half per cent." and "ten per cent.", respectively, shall be substituted. Amendment of section 40.

4 of 1938.

**STATEMENT OF OBJECTS AND REASONS**

In the Insurance (Amendment) Bill, 1968, which provides for social control of general insurance, commission payable to agents has been brought down to 10 per cent. for all general insurance and 15 per cent. for the miscellaneous. In the life insurance business even now 40 per cent. commission on the first year's premium is allowed. The present Bill seeks to reduce the commission to 10 per cent.

M. P. BHARGAVA.

## II

**Bill No. XXXVIII of 1968**

*A Bill further to amend the Industrial Disputes Act, 1947.*

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Industrial Disputes (Amendment) Act, 1968. Short title and commencement
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-  
ment of  
section 2

14 of  
1947.

2. In section 2 of the Industrial Disputes Act, 1947,—

(i) after clause (c), the following clause shall be inserted, namely:—

“(cc) ‘closure’ means total and bonafide stoppage of an entire industry, including all its branches and subsidiaries, <sup>5</sup> by the employer;”;

(ii) in clause (oo), after the words “by way of disciplinary action,” the words “and includes all termination of service on account of closure,” shall be inserted.

## STATEMENT OF OBJECTS AND REASONS

The Supreme Court has held recently in the Indian Hume Pipe case that stoppage of work in a factory or a branch thereof shall also be considered as "closure". On account of this decision, the question whether such closure is bona fide or mala fide cannot now be gone into by an Industrial Tribunal constituted under the Industrial Disputes Act, 1947. But there had been an earlier decision where the Supreme Court had held that "closure" means the stoppage of entire business and any interference with the decision of the management would amount to interference with its fundamental right to start or close down a business. The Supreme Court had also held in another case that mala fide "closure" is no "closure" in the eye of law. These decisions of the Supreme Court have thus given rise to a serious anomaly. With a view to remove this anomaly and also keeping in view the interests of labour the term "closure" requires to be precisely defined.

Hence this Bill.

D. L. SEN GUPTA.

**III****Bill No. XXXVII of 1968**

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

**Short title.** 1. This Act may be called the Constitution (Amendment) Act, 1968.

**Amend-  
ment of  
article  
240.** 2. In sub-clause (a) of clause (1) of article 240 of the Constitution, for the words “the Andaman and Nicobar Islands”, the words “Shahced and Swaraj Islands” shall be substituted.

**Amend-  
ment of  
the First  
Schedule  
to the  
Constitu-  
tion.** 3. In the First Schedule to the Constitution, under the heading “II. The Union Territories”, in the column containing the names of the Union territories, in entry 5, for the words “the Andaman and Nicobar Islands”, the words “the Shaheed and Swaraj Islands” shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

The Andaman Islands have a very close and intimate connection with the struggle for independence of the country. A number of stalwarts, notably Lokmanya Tilak, Barindra Kumar Ghose, Abinash Bhattacharyya, Lala Lajpat Rai, V. D. Savarkar and others were at some time or the other were imprisoned there.

Public opinion in the country has been strongly in favour of changing the name of these islands to commemorate the memory of all those martyrs who sacrificed their lives for the country. Views have been expressed within and without Parliament that these islands should more appropriately be named "the Shaheed Dwips" in memory of these martyrs (*shaheeds*). Moreover, because of the "shaheeds" (martyrs) we have been able to win swaraj, that is, independence. Therefore, in the fitness of things, these islands should be named "Shahced and Swaraj Islands".

Hence this Bill.

D. L. SEN GUPTA.

B. N. BANERJEE,  
*Secretary.*

